

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOSEPH COOPER,

Plaintiff,

v.

SUMMERLIN HOSPITAL MEDICAL
CENTER,

Defendant.

Case No. 2:19-cv-01210-RFB-DJA

ORDER

Before the Court is Plaintiff's Motion for Reconsideration (ECF No. 17). The Court has discretion to grant or deny a motion for reconsideration. Navajo Nation v. Norris, 331 F.3d 1041, 1046 (9th Cir. 2003). Motions for reconsideration are disfavored, and a movant may not repeat arguments already presented. D. Nev. Civ. R. 59-1(b). Conversely, "A motion for reconsideration may not be used to raise arguments or present evidence for the first time when they could reasonably have been raised earlier in the litigation." Marlyn Nutraceuticals, 571 F.3d at 880 (internal quotations and citations omitted).

The Court has reviewed the record and does not find that it committed error when it denied Plaintiff's application.

The Court also has an obligation to determine whether it has jurisdiction over the case. The Court has reviewed the Complaint in this case and does not find that it establishes this Court's jurisdiction over this matter. Plaintiff's Complaint appears to be asserting a claim based upon improper medical treatment and argues that 25 U.S.C. § 13 creates a cause of action for such a claim. The Court does not find that this federal statute creates such a claim. The Court therefore finds that it does not have jurisdiction over this matter. The Court therefore dismisses this case

1 without prejudice. Plaintiff will be given an opportunity to file a motion for reconsideration which
2 attaches an amended complaint which establishes this Court's jurisdiction.

3 **IT IS THEREFORE ORDERED** that Plaintiff's Motion for Reconsideration (ECF No.
4 7) is DENIED without prejudice.

5 **IT IS FURTHER ORDERED** that this case is dismissed without prejudice. Plaintiff will
6 have until **May 6, 2021** to file a motion for reconsideration which attaches an amended complaint
7 which establishes this Court's jurisdiction. The Clerk of Court is instructed to close this case.

8
9 **DATED:** March 31, 2021.



11 **RICHARD F. BOULWARE, II**
12 **UNITED STATES DISTRICT JUDGE**